

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>THOMAS SESSO,</b>  <i>Plaintiff,</i>  <b>v.</b>  <b>KALAHARI RESORTS PA, LLC, <i>et al.</i>,</b>  <i>Defendants.</i>	<b>Civil Action</b>  <b>No.:</b>
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**PETITION OF DEFENDANT, KALAHARI  
RESORTS PA, LLC FOR NOTICE OF REMOVAL**

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF PENNSYLVANIA:

AND NOW comes Defendant, Kalahari Resorts PA, LLC (hereinafter referred to as "Petitioner"), for the purpose of removing this Civil Action to the District Court of the United States for the Middle District of Pennsylvania and, in support thereof, avers as follows:

1. On or about May 5, 2022, plaintiff commenced this action in the Court of Common Pleas, Monroe County, at Docket No. 2669-cv-2022 (hereinafter "the State Court Action"). *See* true and correct copy of Complaint, attached hereto as Exhibit "A".

2. Plaintiff's Complaint was served on Petitioner by hand delivery on May 6, 2022.<sup>1</sup>

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<sup>1/</sup> Though plaintiff filed this action against multiple entities, all of them except Petitioner have been voluntarily dismissed from this action. *See* true and correct copy of fully-executed and filed Stipulation, attached hereto as Exhibit "B". Notably, the dismissal of those entities had no impact on the diversity of the parties and this removal.

3. At the time of the filing of the State Court Action and at the time of removal, Plaintiff was and is a resident and citizen of the Commonwealth of Pennsylvania. *See* Exhibit “A”, caption and ¶1.

4. At the time of the commencement of the State Court Action and at the time of removal, Petitioner Kalahari Resorts PA, LLC was and is a Delaware Limited Liability Company with its principal place of business in Wisconsin Dells, Wisconsin. *See* true and correct copy of Affidavit of Ralph Gundrum, attached hereto as Exhibit "C".

5. Kalahari Resorts PA, LLC has one member, KR SPE LLC, a Delaware Limited Liability Company with its principal place of business at 1305 Kalahari Drive, Wisconsin Dells, Wisconsin. *See* Exhibit “C”.

6. KR SPE, LLC has one member, Kalahari Resorts, LLC, a Wisconsin Limited Liability Company, with its principal place of business at 1305 Kalahari Drive, Wisconsin Dells, Wisconsin. *See* Exhibit “C”.

7. Kalahari Resorts, LLC, has three members, Todd Nelson, Shari Nelson, and the Nelson Family Endowment Trust. *See* Exhibit “C”.

8. The Nelson Family Endowment Trust is a Wisconsin Trust. *See* Exhibit “C”.

9. Todd Nelson and Shari Nelson are citizens and residents of the State of Wisconsin. *See* Exhibit “C”.

10. Neither Todd Nelson nor Shari Nelson maintains any place of business or residence in the Commonwealth of Pennsylvania. *See* Exhibit “C”.

11. Because this matter involves a controversy between citizens of different states and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this matter is removable under 28 U.S.C. § 1332.

12. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days after service of the Complaint upon Petitioner.

13. No further proceedings as to Petitioner have taken place with regard to this action in the State Court Action.

14. The above-described action is a Civil Action over which this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and is one which may be removed to this Court by the Petitioner, pursuant to the provisions of 28 U.S.C. §1441.

15. This suit involves a controversy between citizens of different states: The plaintiff, according to the Complaint, is a resident and citizen of the Commonwealth of Pennsylvania, *see* Exhibit “A”, while Petitioner is not a resident or citizen of the Commonwealth of Pennsylvania but, instead, is a resident and citizen of the States of Delaware and Wisconsin. *See* Exhibit “C”.

16. The amount in controversy exceeds seventy-five thousand dollars (\$75,000.00) exclusive of interest and costs as this case allegedly involves injury to the plaintiff’s right knee, bilateral thighs, and left shoulder, as well as multiple injuries to plaintiff’s spine with radiculopathy and resulting in alleged surgical intervention, in addition to ongoing complaints and limitations, emotional distress, wage loss and loss of earning capacity, and myriad other damages. Indeed, plaintiff’s Complaint contains subparagraphs a-pp to list his alleged many injuries. *See* Exhibit “B”, ¶37.

17. Petitioner has simultaneously with the filing of this Notice given written notice to counsel for all other parties involved in this action.

18. Petitioner has filed a copy of the instant Notice of Removal with all attachments thereto with the Prothonotary of the Court of Common Pleas, Monroe County.

**WHEREFORE**, Kalahari Resorts PA, LLC, respectfully requests that this suit be removed to this Honorable Court pursuant to the laws of the United States.

Respectfully submitted,

SPECTOR GADON ROSEN VINCI P.C.

By: //cs// *H.M.Eichenbaum*  
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DATED: May 27, 2022